



Message from Attorney General Robert J. Spagnoletti



As the District's first Attorney General, it is my privilege to present the 2005 annual report – the first annual report of the Office of the Attorney General for the District of Columbia. I am proud of the many accomplishments and milestones achieved by this Office throughout the year. I believe that action spurs innovation, and it is this philosophy that has raised the profile of the Office of the Attorney General both locally and nationally.

I am pleased to report that 2005 was the most successful year since my tenure began. This Office has broad responsibilities that touch the lives of every District resident, and those who work and visit our Nation's Capital.

The Office of the Attorney General, formerly known as the Office of the Corporation Counsel, is among the largest Attorney General's offices in the country. We have 340 attorneys and more than 300 program staff who handle over 20-thousand cases each year. These matters are in addition to operation of the child support system that brings needed funds to more than 80,000 children. Moreover, our attorneys help to achieve permanence for abused and neglected children; we assist domestic violence victims who need protection orders; we prosecute adult offenders and juvenile delinquency; and we assist in economic and real estate development.

During 2005, the Office defended the District against lawsuits arising from extremely progressive and novel statutes recently passed by the Council of the District of Columbia and signed by the Mayor, including the AccessRx Act of 2004, the Terrorism Prevention in Hazardous Materials Transportation Act of 2005, and the Prescription Drug Excessive Pricing Act of 2005. We also provided legal assistance in returning baseball to the District of Columbia and securing the land and an agreement to build the Washington Nationals' a brand-new stadium.

In addition to the steadfast defense of the District Government and advocacy on behalf of its citizens, the Office of the Attorney General underwent extraordinary structural changes. As a result of the Legal Service Amendment Act of 2005, 25 agency general counsel and their staff members have joined the OAG family. Now, for the first time, all of the District's legal resources under the control of the Mayor, and are coordinated through the Office of the Attorney General.

Last year was also a year of accomplishments in protecting District consumers from businesses that unfairly treated customers by engaging in unfair and deceptive practices such as payday lenders who charged exorbitant interest rates and credit counselors using unfair billing practices.



It has been my honor to serve as your first Attorney General. Along with a talented and dedicated staff, I look forward to meeting the challenges facing the District and continued success in 2006.



OAG Mission

The Mission of the Office of the Attorney General is to protect and serve the citizens of the District of Columbia by providing legal representation of the highest quality to District agencies, officers and employees. In so doing, the Office of the Attorney General will vigorously fulfill all statutory responsibilities with skill and integrity, and will work to improve safety and quality of life in our communities.



Overview

The Office of the Attorney General (OAG) is charged by statute with conducting the District's law business. With nearly 340 attorneys and 300 staff members dispersed throughout 24 subordinate agencies¹, OAG is one of the largest law offices in the District of Columbia and the 10th largest Attorney General's Office in the nation.

OAG performs numerous mandatory and discretionary duties on behalf of the District government and its citizens. OAG represents the District in nearly all defensive civil litigation including tort, contract, civil rights, equity and class action cases; appeals of the civil and criminal judgments; child abuse and neglect cases; adult criminal and juvenile delinquency proceedings; antifraud, antitrust and consumer protection matters; civil enforcement of regulations; neighborhood and victim services; child support enforcement; government ethics issues; personnel and administrative proceedings; domestic violence and mental health matters; real estate and procurement transactions reviews; economic development and revenue bond financing; land use, public works and utilities matters; reviews of legislation and rulemaking; and supervision of agency counsel in the subordinate agencies.

Also, OAG provides fundamental legal services to the District, including transactional work and legal advice to the executive branch agencies, the Council of the District of Columbia, the D.C.

¹ The 24 agencies are: Alcohol Beverage Regulations Administration ("ABRA"); Child and Family Services Agency ("CFSA"); Department of Consumer and Regulatory Affairs ("DCRA"); Department of Corrections ("DOC"); Department of Employment Services ("DOES"); Department of Insurance, Securities, and Banking ("DISB"); Department of Health ("DOH"); Department of Human Services ("DHS"); Department of Mental Health ("DMH"); Department of Motor Vehicles ("DMV"); Department of Parks and Recreation ("DPR"); Department of Public Works ("DPW"); Department of Youth Rehabilitation Services ("DYRS"); District Department of Transportation ("DDOT"); District of Columbia Office of Personnel ("DCOP"); District of Columbia Taxicab Commission ("DCTC"); Fire and Emergency Medical Services Department ("FEMSD"); Metropolitan Police Department ("MPD"); Office of Cable Television and Telecommunications ("OCTT"); Office of the Chief Medical Examiner ("OCME"); Office of the Chief Technology Officer ("OCTO"); Office of Contracting and Procurement ("OCP"); Office of Human Rights ("OHR").



Courts, the dozens of Boards and Commissions – and the Advisory Neighborhood Commissions (“ANCs”).

Because of the unique status of the District of Columbia, which involves aspects of state, county and city government functions, the legal work conducted by OAG is divided among seven divisions:

- **APPELLATE DIVISION**
- **CHILD SUPPORT SERVICES DIVISION**
- **CIVIL LITIGATION DIVISION**
- **COMMERCIAL DIVISION**
- **FAMILY SERVICES DIVISION**
- **LEGAL COUNSEL DIVISION**
- **PUBLIC SAFETY DIVISION**



APPELLATE DIVISION

Represents the District of Columbia in all litigation in appellate courts, including the [District of Columbia Court of Appeals](#), the [United States Court of Appeals for the District of Columbia Circuit](#), and the [Supreme Court of the United States](#).

Facts/Figures:

- The Appellate Division successfully handled both offensive criminal and juvenile appeals and defensive civil appeals in many important cases in 2005, establishing important precedent for the District and saving the District millions of dollars. One such example is OAG's significant victory under the Individuals with Disabilities in Education Act (IDEA) in *Alegria v. District of Columbia*. The D.C. Circuit ruled that parents who settle their complaints with the [District of Columbia Public Schools](#) (DCPS) are not entitled to attorney's fees. The ruling could potentially save DSPS several million dollars – money that can instead be allocated to special education programs for students.
- The Appellate Division has also made public health and safety a primary focus. The Division coordinated efforts in Complex Clean Air Act cases with the general counsel of the [Department of Health](#) and with Assistant Attorneys General in more than a dozen states.

Appellate Division

One Judiciary Square
441 4th Street, NW, Suite
600S
Washington, DC 20001
(202) 727-6295



CHILD SUPPORT SERVICES DIVISION

The Child Support Services Division (CSSD) is the largest Division within OAG. CSSD employs nearly 190 attorneys and support personnel – roughly 40% of OAG’s total workforce, and approximately 45% of its budget. CSSD operates the District’s federally-funded child support program and delivers child support services to more than 80,000 children and their families who depend on CSSD to receive funds needed for food, shelter, health care and education.

Facts/Figures:

- To insure that children receive the necessary support from both parents, CSSD is working closely with [Court Services and Offender Supervision Agency](#) (CSOSA) to get the word out to soon-to-be-released inmates about their child support obligations. CSSD is also working with the Superior Court of the District of Columbia to make certain that defendants are provided with the opportunity at sentencing to file motions to suspend or modify child support payments. Any motions received by the Court are forwarded to CSSD for response.
- The increase in arrears collection was boosted in by CSSD’s hugely successful “Child Support Amnesty Program 2005.” Over 11,000 letters were sent to non-custodial parents in the District who owed back-due child support and who had not made payment arrangements. Amnesty was offered from August 1, 2005 – August 13, 2005, and more than 1,600 non-custodial parents took advantage of the program. Nearly \$240,000 in support payments were collected on behalf of the children of the District of Columbia.



CHILD SUPPORT SERVICES DIVISION cont...

Facts/Figures:

- In FY 2005, CSSD
 - Increased support orders by 22%, for a total of more than 1,700 new orders.
 - Increased total child support collections by more than 9% to more than \$62 million.
 - Increased arrears collections by 14.5%.

Child Support Services Division

One Judiciary Square
441 4th Street, NW
Suite 550N
Washington, DC 20001
(202) 442-9900
www.cssd.dc.gov



CIVIL LITIGATION DIVISION

General Litigation Sections defend the District of Columbia in civil lawsuits brought for monetary damages, ranging in subject matter from slip and falls, motor vehicle accidents and inmate assaults, to government contracts, police false arrest/use of excessive force, and employment discrimination.

Equity Sections defend the District of Columbia in class action suits, cases brought under the Individuals with Disabilities Act, and other civil lawsuits for non-monetary relief.

Personnel and Labor Relations Section defends various agencies in employment matters before administrative bodies and represents agencies in appeals of administrative decisions.

Facts/Figures:

In successfully defending tort claims against the government, the General Litigation Sections resolved hundreds of cases in 2005 – notably cases brought against the District concerning the city’s site for a new baseball stadium.

- *Southeast Development Associates v. D.C.*, the owners of several properties in the area of the new stadium sought a preliminary injunction against the District’s proceeding to acquire any properties for the stadium pending a hearing on their claim that the Chief Financial Officer’s required cost re-estimation understated the actual costs. The [U.S. District Court](#) denied their request for an injunction and issued an order on October 31, 2005, dismissing the lawsuit.



CIVIL LITIGATION DIVISION cont...

Facts/Figures:

- *Robert Siegel, Inc., et al. v. D.C.*, the [Superior Court of the District of Columbia](#) dismissed a suit to enjoin the District from constructing the new stadium, holding, among other things, that the plaintiffs would have an adequate remedy at law when the government initiated eminent domain proceedings in the form of an award of just compensation.

Cases Received (FY) **703**

Settlements and Judgments **\$15,026,252**



COMMERCIAL DIVISION

Economic Development Section assists the District's business services and economic development agencies in the creation of a capital tax base to increase employment and home ownership opportunities for District residents.

Land Use and Public Works Section assists District agencies in making informed land use decisions.

Real Estate Section provides legal advice and assistance to District agencies in a wide variety of real estate transactions, including simple commercial leases to complex land acquisitions.

Tax, Bankruptcy and Finance Section is responsible for review and advice in all bond issuances and similar governmental financing transactions, defends the [Office of Tax and Revenue](#) in tax assessment challenges and presses the District's claims against bankrupt individuals and entities.

Facts/Figures:

- The Commercial Division was at the fore of the important initiative to construct a new baseball stadium. Real Estate Section attorneys, working with the [Executive Office of the Mayor](#) and the Office of [Property Management](#), oversaw efforts to appraise all 14 acres of the stadium site, and negotiate total payment of more than \$84 million to affected property owners.



COMMERCIAL DIVISION cont...

Facts/Figures:

- The Real Estate Section, working with the Mayor's [Home Again Program](#), was able to obtain title to nearly 40 previously abandoned, vacant or nuisance residential properties. The properties are being returned to active homeownership and the District's tax rolls.



FAMILY SERVICES DIVISION

Child Protection Sections prosecute charges of child physical and sexual abuse and neglect and move for termination of parent rights, adoption placements, and the provisions of services by Child and Family Services Agency (CFSA).

Domestic Violence Section represents victims of intra-family domestic violence by obtaining civil protection orders and by prosecuting related contempt of court matters.

Mental Health Section handles all legal matters for the Commission on Mental Health and prosecutes all civil commitment orders.

Facts and Figures:

- In 2005 OAG Child Protection Sections worked in collaboration with CFSA to conquer a backlog of 448 Termination of Parental Rights (TPR) cases. In just seven months, between November 2004 and June 2005, a special TPR unit of four attorneys and a section chief eliminated the entire backlog.
- In FY 2005 the Domestic Violence Section assisted 3,332 people at the [Domestic Violence Intake Center](#) at the Superior Court of the District of Columbia and another 1,541 people at the satellite center at [Greater Southeast Community Hospital](#).



FAMILY SERVICES DIVISION cont...

Facts and Figures:

- The Mental Health Section is keeping pace with recent changes to the Ervin Act which requires that a recommitment petition be filed annually for all civilly committed patients (both in-patients at St. Elizabeths and out-patients in the community at a core service provider).

Mental Health Section

64 New York Avenue, NE
5th Floor
Washington, DC 20002
(202) 671-4070

Child and Family Services Agency

400 6th Street, SW
Washington, DC 20024
(202) 442-6000
www.cfsa.dc.gov



LEGAL COUNSEL DIVISION

Provides advice, opinion, drafting, and other assistance on legal issues to the [Executive Office of the Mayor](#), Agency Directors, the [Council of the District of Columbia](#) and [District of Columbia Courts](#).

Facts/Figures:

- Working with the Mayor's Office and the Council, the Division assisted in the drafting of what became Bill 16-114, the "Prescription Drug Excessive Pricing Act of 2005." The measure makes the excessive pricing of patented prescription drugs a consumer protection violation subject to civil fines and injunctive relief. The Pharmaceutical Research and Manufacturers of America filed a lawsuit in the [U.S. District Court for the District of Columbia](#) to enjoin the measure's implementation, and OAG successfully defended against the plaintiff's motion for a temporary restraining order.
- The Legal Counsel Division, working with the Public Safety Division, drafted Bill 16-247, the "Omnibus Public Safety Act of 2005," one of the Mayor's top legislative priorities for 2005-06. Bill 16-247 contains 22 titles and would provide comprehensive reform of local criminal law in the areas of violent crime, crimes against children, prostitution-related crime, and personal privacy.

Legal Counsel Division

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Suite 409
Washington, DC 20004
(202) 727-3400



PUBLIC SAFETY DIVISION

Juvenile Section prosecutes offenders, under the age of 18, for a variety of offenses including first degree murder, sex offenses, armed robbery, assault, weapons offenses, drug offenses, and unauthorized use of a motor vehicle.

Neighborhood and Victim Services Section provides legal advice and counsel to the Core Teams in each of the eight wards in the District, and ensures that victims of juvenile crime are treated with dignity and receive appropriate services.

Civil Enforcement Section conducts a wide range of affirmative and administrative litigation, including enforcement of issues relating to occupational and professional licenses, local, small and disadvantaged business licenses, building and zoning permits, and alcohol beverage control licenses.

Criminal Section prosecutes adults who commit certain types of offenses, including traffic and quality of life offenses, as well as fraud of government agencies, such as tax and welfare fraud.

Consumer and Trade Protection Section investigates and prosecutes violations of the District's consumer protection and antitrust laws by obtaining court injunctions against unlawful business practices as well as monetary compensation for consumers.

PUBLIC SAFETY DIVISION cont...

Facts and Figures:

- The Public Safety Division led the way in combating fraud against the government. OAG reached a \$4.8 million settlement under the District's False Claims Act with the real estate firm of Cushman & Wakefield, the contractor/project manager for the renovation of the government's office space at One Judiciary Square. As a result of the settlement, \$1.2 million was placed in the District's Anti-Fraud Fund, while the remainder went to the District's General Fund.
- The year also saw the renewal of a lapsed Memorandum Of Understanding with the District's [Department of Human Services](#) ("DHS"), in which DHS funds two full time attorneys to exclusively prosecute food stamp and welfare fraud. In 2005, more than \$100,000 in recoveries was negotiated. Similarly, thanks to grant funding and intra-District funding by the [Office of Tax and Revenue](#), OAG was successful in prosecuting general fraud and tax fraud, recovering more than \$500,000 in approximately 15 tax fraud cases.
- More than \$1 million was recovered from consumer protection and antitrust settlements, including an agreement with CVS Corporation concerning the company's purchase and closing in 2002 of a competing pharmacy in the District's Palisades neighborhood. Under the agreement, CVS paid \$475,000 into the District of Columbia Pharmaceutical Resource Center's Interim Emergency Medication Project and the District's antitrust enforcement fund.



- OAG also continues to work closely with the D.C. Public Schools and the Family Court, among others, to stem rising truancy rates. For the 2004-2005 school year, OAG charged over 200 parents for violations of the District's Compulsory School Attendance Act. Under that provision, parents, guardians and caretakers can be criminally prosecuted if they fail to ensure that children in their custody or control are attending school regularly.

OAG maintains a Consumer Complaint Hotline and posts consumer information, as well as a consumer complaint form its website. **Consumer Protection Hotline:** (202) 442-9828

Public Safety Division
One Judiciary Square
441 4th Street, NW
Suite 450N
Washington, DC 20001
(202) 727-3500



PUBLIC SAFETY DIVISION cont...

➤ Civil Enforcement Section and the Consumer & Trade Protection Section

Total lawsuits

filed by the District: **458** forfeitures, collections and consumer cases
(**257** of this number represent licensure actions)

Total Amounts collected: **\$10,765,657.77** forfeitures, collections, escheats and
restitutions/fines in consumer cases

\$38,703,881.15 tobacco settlement

➤ Juvenile Section

2318 Cases referred by law enforcement

1706 Petitions Filed

1591 Total cases adjudicated

1158 Guilty Pleas

151 Guilty Trials

26 Not Guilty Trials

Dismissed

77 Out right

102 As part of a plea

190 Consent Decrees

**Fugitive Cases**

101	Total Fugitive Cases Referred
57	Fugitive from Justice
55	Fugitive from Justice Petitioned for Judicial Consideration
42	Fugitive from Parent
9	Fugitive from Parent Petitioned for Judicial Consideration
2	Fugitive from Institution
2	Fugitive from Institution Petitioned for Judicial Consideration

➤ **Adult Criminal Offenses**

Prosecuted

32	DUI (Driving Under the Influence)
84	OWI (Operating While Impaired)
64	DWI (Driving While Intoxicated)

Regulatory

67	Vending
36	Noise Violation
5	Fire Code



CONTACT INFORMATION

Office of the Attorney General

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Suite 409
Washington, DC 20004
Phone: (202) 727-3400
Fax: (202) 347-8922
Online: www.oag.dc.gov

Office Hours:

M-F 8:30 a.m. to 5:00 p.m.
Except District Holidays